

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>ROBERT L. WIGGINS, JR.,</b>	)	
et al.,	)	
	)	
<b>Plaintiffs,</b>	)	<b>CIVIL ACTION NO.</b>
	)	<b>2:12-cv-02705-SGC</b>
v.	)	
	)	
<b>FDIC, as Receiver of Superior Bank,</b>	)	
et al.,	)	
	)	
<b>Defendants.</b>	)	
	)	
<b>FRANK ELLIS, IV, and</b>	)	
<b>CHARACTER COUNTS, LLC,</b>	)	
	)	
<b>Counterclaim Plaintiffs,</b>	)	
	)	
v.	)	
	)	
<b>ROBERT L. WIGGINS, JR.,</b>	)	
et al.,	)	
	)	
<b>Counterclaim Defendants.</b>	)	

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**EVIDENTIARY SUBMISSION IN SUPPORT OF DEFENDANTS/COUNTER-PLAINTIFFS  
FRANK ELLIS IV AND CHARACTER COUNTS, LLC'S RESPONSE IN  
OPPOSITION TO PLAINTIFFS' MOTION TO DISMISS**

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COME NOW Defendants/Counter-Plaintiffs Frank Ellis IV and Character Counts, LLC, and hereby give notice that they are filing the attached evidentiary

submission in support of their Response in Opposition to Plaintiffs' Motion to Dismiss (Doc. 201):

**Exhibit A:** September 5, 2007 Email from Linda Peacock to Robert Wiggins

**Exhibit B:** Purchase Agreement

**Exhibit C:** Plaintiff's Opposition to Motion for Disqualification

**Exhibit D:** Notice of Appearance of Robert L. Wiggins

**Exhibit E:** Affidavit of Robert Wiggins

**Exhibit F:** Declaration of Kelly Schuck

**Exhibit G:** Defendant's Response to Plaintiffs' Opposition to Motion for Disqualification

Respectfully submitted,

/s/ Clark R. Hammond

Clark R. Hammond

Samuel T. Sessions

Lauren G. Walker

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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*/s/ Clark R. Hammond*

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